



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

OFFICE OF THE
REGIONAL ADMINISTRATOR

November 19, 1999

Mr. Duncan Holaday
Deputy Assistant Secretary
(Installations and Facilities)
Department of the Navy
Washington, D.C. 20360-5000

Re: Covenant Deferral Request - Naval Weapons Industrial Reserve Plant, Bedford, MA

Dear Mr. Holaday:

It is my pleasure to inform you that I have approved the United States Department of the Navy's Covenant Deferral Request in connection with the planned disposal of the Naval Weapons Industrial Reserve Plant (NWIRP) in Bedford, Massachusetts. A copy of my Findings under Section 120(h)(3)(C) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9620(h)(3)(C), is attached to this letter.

We were pleased to sign the Federal Facility Agreement (FFA) for the NWIRP National Priorities List site (Site) in September. As you know, the FFA contains the enforceable schedules for the Navy's investigation and cleanup of the Site, in accordance with the Response Action Assurances that the Navy has committed to provide in its Covenant Deferral Request.

Please let me know if I may be of any further assistance.

Sincerely yours,

A handwritten signature in black ink, appearing to read "J. DeVillars", is written over a horizontal line.

John P. DeVillars
Regional Administrator

Enclosure

cc: Timothy Fields, OSWER
James Woolford, FFRRO
Craig Hooks, FFEO
Lauren Liss, MADEP

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

FINDINGS OF THE REGIONAL ADMINISTRATOR
REGARDING EARLY TRANSFER OF PROPERTY
AT THE NAVAL WEAPONS INDUSTRIAL RESERVE PLANT,
BEDFORD, MASSACHUSETTS

I have made the findings enumerated below to authorize the United States Department of the Navy (Navy) to transfer the real property comprising the Naval Weapons Industrial Reserve Plant (NWIRP) in Bedford, Massachusetts (Property) to a non-Federal entity for use other than residential use, and to defer inclusion of the covenant required by Section 120(h)(3)(A)(ii)(I) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) in the deed of conveyance for the Property. This action is authorized by CERCLA Section 120(h)(3)(C) when a Federal agency proposing to convey property to a non-Federal entity is not yet able to covenant that "all remedial action necessary to protect human health and the environment . . . has been taken before the date of such transfer", but an evaluation determines that the property can be safely used and the Federal agency provides adequate assurances that it will satisfy its commitment to complete all required response actions in a timely manner.

I have reviewed the particulars of the proposed transfer and make the following findings:

1. The Property is suitable for transfer for the expected use, and such use is consistent with protection of human health and the environment.

This finding is based on the Navy's Covenant Deferral Request dated November 5, 1999, and the human health risk assessment performed in connection with the Phase II Remedial Investigation at the NWIRP National Priorities List (NPL) site under CERCLA. Based on an evaluation of future exposure scenarios that assumed future Property use would continue to be industrial, the human health risk assessment found that for these exposure scenarios, all carcinogenic risk results are within the United States Environmental Protection Agency (EPA) acceptable risk range, and noncarcinogenic risk results are less than one. As a result, the risk assessment concluded that there are no unacceptable human health risks for future users of the Property assuming continued industrial use there. Therefore, based on the results of the risk assessment, as long as the Property is not used for residential purposes, future use is not reasonably expected to result in exposure to CERCLA hazardous substances at those sites on the Property where response actions have not been completed. Restrictions will be incorporated in the deed that the Property is not to be used for residential purposes. Such prohibited residential uses will include, but are not limited to, any form of housing or lodging, and any childcare, pre-school, or outdoor playground facility. Additional use restrictions may be imposed as a part of any final response action taken at the NWIRP NPL Site.

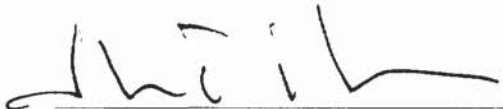
2. The Navy has agreed that the deed and the transfer agreement that will govern the transfer between the United States and the transferee of the property will contain the Response Action Assurances required by CERCLA Section 120(h)(3)(C)(ii).

More particularly, the Response Action Assurances proposed in the Navy's Covenant Deferral Request for inclusion in the deed and transfer agreement meet the requirements of CERCLA, and the Navy has agreed to incorporate these assurances in the deed and transfer agreement for the Property. By incorporating these assurances into the deed and transfer agreement, the Navy will be (a) imposing certain restrictions on the use of the Property to order to ensure protection of human health and the environment (including restrictions on the extraction and use of groundwater within the Property boundary, and restrictions prohibiting the use or development of the Property for residential purposes); (b) imposing certain use restrictions to ensure that required remedial investigations, response actions and oversight activities will not be disrupted; (c) providing that all necessary response actions will be taken at the NWIRP NPL Site, and identifying the schedules for completion of such actions; and (d) providing that the Navy has or will obtain sufficient funding to accomplish all necessary response actions set out in those schedules.

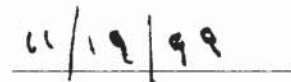
3. The Navy has agreed to provide the public with proper notice of the proposed transfer and of the opportunity for the public to submit written comments on the suitability of the Property for transfer for a period of thirty (30) days following such notice.

4. The deferral and the transfer of the Property will not substantially delay any necessary response action at the Property.

Therefore, based upon the findings above, I find the Property suitable for transfer in accordance with CERCLA Section 120(h)(3)(C).



JOHN P. DEVILLARS
Regional Administrator
EPA Region 1



DATE